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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,671	01/17/2002	Amr M. Mohsen	003921.00248	6141
22907	7590	10/06/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			JONES, HUGH M	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/052,671	Applicant(s) MOHSEN, AMR M.	
	Examiner Hugh Jones	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-72 and 74-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-72, 74-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/06 4/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. Claims 59-72, 74-82 of U.S. Application 10/052,671, filed 01/17/2002 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(f) he did not himself invent the subject matter sought to be patented.

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

3. **Claims 59-72, 74-82 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by IBM Technical Disclosure (of record).** See pp. 294-299 (especially figs. 6-7). The IBM document discloses interconnected programmable chips on a substrate which are connected to and configured by another chip or part of a chip. With respect to claims disclosing multiple layers of conductive traces, see pp. 296-297 and fig. 6. With respect to claim limitations concerning discrete elements, see # 5 of page 298.

4. Claims 59-72, 74-82 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carter (of record).

5. Carter discloses reconfigurable logic. See figure 4a. FIGS. 4A illustrates a configurable logic array containing nine configurable logical elements. As shown in FIG. 4A, each CLE of the nine CLEs 40-1 through 40-9 has a plurality of input leads and one or more output leads. Each input lead has a plurality of access junctions each connecting a selected general interconnect lead to the input lead. The access junctions for input lead 2 of CLE 40-7 are labeled A1 through A4 in FIG. 4A. The access junctions for the other input leads are indicated schematically but are not labeled for the sake of clarity. Similarly, each output lead of each CLE has a plurality of access junctions each connecting the output lead to a corresponding one of the general interconnect leads.

6. Claims 59-72, 74-82 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kung et al. (U. S. Patent 4,807,183; of record in application).

7 Kung et al. disclose a programmable interconnection chip for computer system functional chips. See abstract; figs. 2-4, 11b; col. 1, line 25 to col. 2, line 32; col. 4, lines 5-55.

8. Claims 59-72, 74-82 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter. See pages 14-15 of the response of 3/31/2006. This rejection is based upon the terminal disclaimer as well as the close parallelism between the instant set of claims and claims 4-8 of the '069 patent. The rejection will be maintained until such time that all references cited therein are supplied to the office.

9. Claims 59-72, 74-82 are rejected under 35 U.S.C. 102(g) based upon pages 14-15 of the response of 3/31/2006. This rejection is based upon the terminal disclaimer as well as the

close parallelism between the instant set of claims and claims 4-8 of the '069 patent. The rejection will be maintained until such time that all references cited therein are supplied to the office.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. **Claims 59-72, 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable as per pages 14-15 of the response of 3/31/2006.** This rejection is based upon the terminal disclaimer as well as the close parallelism between the instant set of claims and claims 4-8 of the '069 patent. This rejection will be maintained until such time that all references cited therein are supplied to the office.

13. **Claims 59-72, 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable as per pages 14-15 of response of 3/31/2006.** This rejection is based upon the terminal disclaimer as well as the close parallelism between the instant set of claims and claims 4-8 of the '069

patent. The rejection will be maintained until such time that all references cited therein are supplied to the office.

Response to Arguments

14. Applicants are thanked for the information related to the litigation as well as the comments of 7/11/06 and 3/31/2006. The Examiner appreciates the effort put forth by Applicants.

15. **Any inquiry concerning this communication or earlier communications from the examiner should be:**

directed to: Dr. Hugh Jones telephone number (571) 272-3781,

Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

September 27, 2006

HUGH JONES Ph.D.
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100